State of Ohio,

Plaintiff,

vs. Case No. 21TRC05611sentencing\_only\_test

Kelly Barkschat,

Defendant.

**FINAL JUDGMENT ENTRY**

Defendant appeared in Court for sentencing on July 04, 2022. Defendant was represented by Chase Mallory, Private Counsel. The Defendant previously plead and was found GUILTY of OVI Alcohol / Drugs 3rd, OVI Refusal 3rd/10yr Prior 20yr, Driving In Marked Lanes, Seatbelt Required Driver, on July 01, 2021.  
  
The Court informed the Defendant that the conviction in this case results in the following:

* 18 U.S.C § 922(g)(9) prohibits the Defendant from shipping, transporting, purchasing, possessing, or owning a firearm or ammunition.
* A conviction in this case may escalate subsequent violations into felonies.
* A conviction in this case may render the Defendant ineligible for certain state and federal benefits.

Prior to sentencing, the Court heard statements from the Prosecutor, Victim Advocate on behalf of the victim, Defense Counsel and the Defendant. The Court considered the overriding purposes of misdemeanor sentencing when making its findings. Following allocution, the Court entered the following sentence:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Offense** | **OVI Alcohol / Drugs 3rd** | **OVI Refusal 3rd/10yr Prior 20yr** | **Driving In Marked Lanes** | **Seatbelt Required Driver** |
| **Statute/Ord.** | **4511.19A1A** | **4511.19A2** | **4511.33** | **4513.263B1** |
| **Degree** | **UCM** | **UCM** | **MM** | **UCM** |
| **Plea on July 01, 2021** | **No Contest** | **No Contest** | **No Contest** | **No Contest** |
| **Finding on July 01, 2021** | **Guilty** | **Guilty** | **Guilty** | **Guilty** |
| **Fine Amount** | **$ 0** | **$ 0** | **$ 0** | **$ 0** |
| **Fines Suspended** | **$ 0** | **$ 0** | **$ 0** | **$ 0** |
| **Jail Days** | **None** | **None** | **None** | **None** |
| **Jail Days Suspended** | **None** | **None** | **None** | **None** |

**Specialized Docket Admission.** Defendant is placed on the OVI Docket. The Defendant has reviewed and understands the requirements of the OVI Docket and agreed to all terms and conditions of the OVI Docket.

**Jail.** The 3-day jail sentence imposed in this case is suspended upon condition that Defendant complete the Driver Intervention Program within 90 days. See terms of Community Control.

**Fines and Costs.** The Court ordered costs for the highest degree charge. The Defendant was informed of the fines and costs owed, and Defendant expressed an ability to pay **forthwith**. Absent further order, the Court finds Defendant is able and shall pay the fines and costs in full by **July 04, 2022**.

**Community Service.** Defendant shall complete 50 hours of community service within 60 days. Defendant shall show proof of completion of all completed hours to the Office of Community Control on or before September 02, 2022.

**Proof of Financial Responsibility.**  The Defendant showed the Court proof of responsibility during the proceeding.

**License Suspension.** Defendant’s driving license is suspended from July 04, 2022, for a term of 12 months. The Administrative License Suspension is terminated and the OBMV form 2261 shall issue. The Defendant is required to complete a remedial driving class before the Defendant’s operator’s license may be reinstated.

**Fingerprinting.** Defendant shall contact the Delaware County Jail or the Delaware Police Department within 24 hours to schedule a time to report for fingerprinting.

**Victim Notification.**  The Clerk shall serve notice on the victim of the right to apply for reparation pursuant to R.C. 2743.51-72. The Clerk shall serve the prosecutor who shall notify the victim as required by R.C. 2930.01-19.

**Vehicle Impoundment/Immobilization.**  The defendant’s 2017 Acura MDX, license plate EAF 4253, shall have its vehicle ID tags seized and sent to the BMV for a period of 60 days.

**Community Control.** For a period of **1 year**, Defendant shall be under **basic supervision** with the Office of Community Control. The Court advised Defendant that as a result of any failure to comply with the terms of community control, the Court may impose a longer term of community control up to a total of 5 years; impose a definite jail term to include any days stayed or otherwise authorized by law; and/or otherwise modify the terms of community control set forth below.

While subject to community control, Defendant shall:

General Terms

* Report forthwith to the Office of Community Control at 70 N. Union St., Delaware, OH 43015.
* Abide by the law, comply with the community control terms set by the Office of Community Control, and not leave the state without the permission of the Court and/or the Office of Community Control.
* Pay community control fees monthly.
* Make all reasonable effort to obtain and maintain employment. Defendant shall report any change in employment status immediately.
* Submit to alcohol/drug testing at the request of community control or any other law enforcement officer.
* Not possess/consume/purchase any alcoholic beverages or drugs of abuse.

Additional Terms

* Shall not come within 500 feet of **Justin Kudela**.
* Defendant shall have no contact with **John Smith**. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person.
* Within 90 days provide proof of completion of an approved driver intervention program or serve 3 days in the Delaware County Jail.
* Within 90 days provide proof of completion of an alcohol/drug dependency evaluation and comply with any treatment and/or counseling recommendations. Defendant shall provide community control with proof of monthly compliance.
* Within 90 days provide proof of completion of an approved anti-theft/shoplifting program.
* Within 90 days provide proof of completion of an approved domestic violence offender program.
* Within 90 days obtain a mental health evaluation and comply with any treatment and/or counseling recommendations. Defendant shall sign a release/consent to permit community control to obtain a copy of records. Defendant shall provide community control with proof of monthly compliance.
* Within 90 days provide proof of completion of a class in anger management.
* Within 60 days pay restitution of **$4,000**, for which judgment is granted, payable through the Clerk’s office with cash, or with a cashier’s check or money order payable toMeijer. The Court ORDERS that any payments made by Defendant be first directed toward the payment of restitution.
* Defendant shall report forthwith to the Office of Community Control to be fitted with a SCRAM unit. Defendant shall submit to continuous alcohol monitoring (SCRAM) as directed by community control for **30 days**. The Court shall pay for the cost of the SCRAM unit through its Indigent Alcohol Monitoring Fund.
* If the Court grants driving privileges, provide proof to community control of installation of a certified ignition interlock device within 30 days of the issuance of such privileges. Defendant shall only operate vehicles equipped with a certified ignition interlock device.
* Within 90 days show completion of **100 hours** of community service in addition to any hours that may be worked to satisfy fines and costs.
* Defendant is admitted to the OVI Docket and shall comply with all terms and conditions of the participation agreement for the docket.
* Submit to electronically monitored house arrest for **15 days**, effective upon hook-up by, and under the supervision of the Office of Community Control.
* Defendant shall report forthwith to the Office of Community Control to be fitted with a GPS Monitoring unit. Defendant is excluded from coming within **1 mile** of **1773 Little Bear Loop**.
* Defendant shall report daily to the Office of Community Control in the manner specified by the Office of Community Control.
* **Other Community Control Conditions:** Pick up trash.

**Other Conditions.** Stay away from Big Bird!.

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Judge Kyle Rohrer

Copies served by Dep. Clerk \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on the following date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to:

Prosecutor’s Office: PS OM EM; Defendant’s Attorney: PS OM EM; Kelly Barkschat: PS OM EM; Community Control: PS EM; County Jail: PS EM;